THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 5498 OF 2004

Dated: 5th August, 2005

Between:

G.Srinivas Reddy s/o G.Laxma Reddy,

Aged 56 years, occ:Agriculture

R/oKyasaram village, Gajwel Mandal,

Medak District …Petitioner

A N D

1. The Govt. A.P.rep. by its Secretary,

Panchayat Raj and Rural Development Department,

Secretariat Building, Hyderabad and Others.

…Respondents.

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ORDER:

1. This writ petition has been filed by G.Srinivas Reddy with a prayer to issue writ of mandamus or any other writ or direction declaring the action of the respondents in not paying the balance bill amount in cash and in kind (Rice) being due towards the works completed by the petitioner pursuant to the proceeding No.174/JB/XVth-Rd/M-Gajwel/2001, dated 4-9-2001 issued by the 2nd respndent i.e. laying of C.C. roads and construction of side drains at Kyasaram village as arbitrary, illegal and contrary to law and consequently issue a direction to the respondents to pay the balance bill amount of more Rs.5,00,000/- in cash and more than 200 quintals of rice in kind.

2. The petitioner is Sarpanch of the Kyasaram Grampanchayath , Gajwel Mandal, Medak District. He has taken up the execution of certain works in the Grampanchayath under Janmabhoomi Programme on behalf of the Habitation Level Committee. He completed the works indicated in Items No. 31 to 37 in the proceedings of the District Collector, Medak dated 4-9-2001. As per the proceedings the petitioner has to get half of the amount in cash and the other half in cash for works completed by him. It is the grievance of the petitioner that though he completed the work in the year 2002 itself, the final bill was not settled and the

amounts claimed by him were not paid and thus he approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. The respondents filed counter affidavit. It is stated in the counter affidavit that the rice component has been valued at Rs.7-30 per kg and if value of the rice is calculated at that rate, no amount is due towards the rice component. With regard to payment of cash of Rs.1,06,000/-, the same has been admitted by the respondents in the counter affidavit. I deem it appropriate to refer para 4 of the counter affidavit and it is thus:-

> *"In reply to para of the affidavit, it is submitted that the Respondent NO.5 has informed that, the work were completed on the dates mentioned against each work and actual value of the 7 Works, done was Rs.33.27 lakhs Out of the total value of Rs. 33.27 lakhs, rice valued at Rs.16.65 lakhs, was issued, based on the government rate prevailing at the time of execution of the works which ranged between Rs. 5.65 and Rs. 7.30 per Kg (As per annexure IV enclosed) Therefore, the contention of the petitioner that the rate of Rice was revised from Rs. 5.65 to Rs. 7.30 per kg and the fact was not intimated to him, and thereby the quantity of Rice component was reduced by above 200 quintals, is incorrect. Further, the rice was issued on different dates depending on the progress of work and hence the rate per Kg of rice prevailing at the time of issue of rice determines the quantity of rice and the value of rice issued cannot exceed 50% of estimated cost of each work under any circumstances"*

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayath Raj appearing for the Respondents.

5. The learned counsel for the petitioner submits that the petitioner completed the work entrusted to him in the year 2002 and submitted the necessary bills. He further submits that the department of the respondents having noted measurements of the work done by him not settled the bill finally and thus as on this day, the respondents have to pay Rs. 1.6 lakhs in cash and 167.18 qtls of rice. A statement has been placed on record giving particulars of the amount due in cash and in kind. As per the particulars furnished in the statement, the respondents have to pay 167.18 qtls of rice towards the work done by the petitioner.

6. The learned counsel appearing for the respondents submits that if the value of the rice has been taken at Rs.7-30 per kg the rice component has been paid and

therefore, no further rice component is required to be released to the petitioner.

7. The petitioner placed on record field measurement books which indicated that he had carried out the work in accordance with the work order issued dated 4-9-2001. The price of the rice was calculated at Rs. 5-65ps per kg in the field measurement book. Therefore, it is not proper to the respondents to contend that the price of rice was at Rs.7-30 per kg by the date of completion of the work by the petitioner.

8. In view of the above discussion, I deem it appropriate to direct the petitioner to submit statement of particulars of rice component received by him and the balance rice component due to him by the concerned authority within two weeks and thereafter, the respondents have to pass appropriate orders within six weeks. Since, there is no dispute with regard to the amount due towards cash component, the respondents have to pay Rs.1,06,000/- within four weeks from the date of receipt of a copy of this order.

9. Accordingly the writ petition is disposed of. No order as to costs.

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B. Seshasayana Reddy,J

5th August, 2005

Note:

C.C. in a week.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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